

FISHERIES: NEWFOUNDLAND

Protocol signed at Washington May 28, 1874, extending to Newfoundland provisions of articles XVIII-XXV and XXX of treaty of May 8, 1871

Entered into force May 28, 1874; operative June 1, 1874

Proclaimed by the President of the United States May 29, 1874

18 Stat. 847; Treaty Series 137

PROTOCOL OF A CONFERENCE HELD AT WASHINGTON ON THE 28TH DAY OF MAY ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR

Whereas it is provided by Article XXXII of the Treaty between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, signed at Washington on the 8th of May, 1871,¹ as follows:

"Article XXXII

"It is further agreed that the provisions and stipulations of Articles XVIII to XXV of this Treaty, inclusive, shall extend to the Colony of Newfoundland, so far as they are applicable. But if the Imperial Parliament, the Legislature of Newfoundland, or the Congress of the United States, shall not embrace the Colony of Newfoundland in their laws enacted for carrying the foregoing articles into effect, then this article shall be of no effect; but the omission to make provision by law to give it effect, by either of the legislative bodies aforesaid, shall not in any way impair any other articles of this Treaty."

And whereas an Act was passed by the Senate and House of Representatives of the United States of America in Congress assembled and approved on the first day of March 1873, by the President of the United States entitled "An Act to carry into effect the provisions of the Treaty between the United States and Great Britain signed in the city of Washington the eighth of May 1871, relating to fisheries"² by which Act it is provided:

"SEC. 2. That whenever the Colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said Articles eighteenth to twenty fifth of said Treaty, inclusive, to that Colony, and the

¹ TS 133, *ante*, p. 184.

² 17 Stat. 482.

Legislature thereof, and the Imperial Parliament shall pass the necessary laws for that purpose, the above enumerated Articles, being the produce of the fisheries of the Colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said Colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said Articles eighteenth to twenty fifth inclusive, of the said Treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said Articles eighteenth to twenty fifth, inclusive, and Article thirtieth of said Treaty, shall remain in force, according to the terms and conditions of Article thirty third of said Treaty."

And whereas an Act was passed by the Governor, Legislative Council, and Assembly of Newfoundland in Legislative session convened in the thirty seventh year of Her Majesty's reign and assented to by Her Majesty on the twelfth day of May 1874, entitled "An Act to carry into effect the provisions of the Treaty of Washington as far as they relate to this Colony."

The undersigned Hamilton Fish, Secretary of State of the United States and the Right Honorable Sir Edward Thornton, one of Her Majesty's Most Honorable Privy Council, Knight Commander of the most Honorable Order of the Bath, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America duly authorized for this purpose by their respective Governments, having met together at Washington, and having found that the laws required to carry the Articles XVIII to XXV inclusive, and Articles XXX and XXXII of the Treaty aforesaid into operation have been passed by the Congress of the United States on the one part, and by the Imperial Parliament of Great Britain, by the Parliament of Canada and by the Legislature of Prince Edward Island and the Legislature of Newfoundland on the other, hereby declare that Articles XVIII to XXV inclusive and Article XXX of the Treaty between the United States of America and Her Britannic Majesty, shall take effect in accordance with Article XXXIII of said Treaty between the citizens of the United States of America and Her Majesty's subjects in the Colony of Newfoundland on the first day of June next.

In witness whereof the undersigned have signed this Protocol and have hereunto affixed their seals.

Done in duplicate at Washington, this twenty eighth day of May, 1874.

HAMILTON FISH	[SEAL]
EDWD. THORNTON	[SEAL]